of the affected airplanes accomplish this AD in a reasonable time period.

Cost Impact

The FAA estimates that 54 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to incorporate the required AFM amendment, and that the average labor rate is approximately $60 an hour. Since an owner/operator who holds at least a private pilot's certificate can accomplish this AD, as authorized by sections 43.7 and 43.9 of the Federal Aviation Regulations (14 CFR 43.7 and 43.9), the only cost impact upon the public is the time it will take the affected airplane owner/operators to amend the AFM.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

97–26–13 Empresa Brasileira De Aeronautica S.A.: Amendment 39–10256; Docket No. 97–CE–39–AD.

Applicability: Models EMB–110P1 and EMB–110P2 airplanes, all serial numbers, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 30 days after the effective date of this AD, unless already accomplished.

To prevent increased propeller drag beyond the certificated limits caused by the power levers being positioned below the flight idle stop while the airplane is in flight, which could result in loss of airplane control or engine overspeed with consequent loss of engine power, accomplish the following:

(a) Amend the Limitations Section of the airplane flight manual (AFM) by inserting the following language:

''Positioning of power levers below the flight idle stop while the airplane is in flight is prohibited. Such positioning may result in increased propeller drag beyond the certificated limits.''

(b) This action may be accomplished by incorporating a copy of this AD into the Limitations Section of the AFM.

(c) Amending the AFM, as required by this AD, may be performed by the owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office (ACO), Campus Building, 1701 Columbia Avenue, suite 2–160, College Park, Georgia 30337–2748. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(f) Information related to this AD may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(g) This amendment (39–10256) becomes effective on January 28, 1998.

Issued in Kansas City, Missouri, on December 10, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–32995 Filed 12–17–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 255

[Docket No. OST–97–3057]

RIN 2105–AC67

Computer Reservations System Regulations

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Department is adopting a rule which amends its rules governing airline computer reservations systems (CRSs) (14 CFR part 255) by changing their expiration date from December 31, 1997, to March 31, 1999. This amendment will keep the rules from terminating on December 31, 1997, and will thereby cause those rules to remain in effect while the Department carries out its reexamination of the need for CRS regulations. The Department believes that the current rules should be maintained during that reexamination because they appear to be necessary for promoting airline competition and helping to ensure that consumers and travel agents can obtain complete and accurate information on airline services.

DATES: This rule is effective on December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Thomas Ray, Office of the General Counsel, 400 Seventh St. SW., Washington, DC 20590, (202) 366–4731.

SUPPLEMENTARY INFORMATION: When the Department adopted its rules governing CRS operations, 14 CFR part 255, in 1992, it included a sunset date for the rules to ensure that the need for the rules and their effectiveness would be reexamined within several years. The sunset date is December 31, 1997. 14 CFR 255.12. We have begun the process of reexamining the rules but cannot complete that task by the rules' current

sunset date. We therefore proposed to change the sunset date to March 31, 1999. 62 FR 59313, November 3, 1997. We gave interested persons an opportunity to comment on our proposal, but no one except America West Airlines submitted comments. America West supports the proposal. We have determined to adopt our proposed rule.

Background

As we explained in the notice of proposed rulemaking, in our last major CRS rulemaking, and in recent CRS proceedings, CRS regulations are necessary to protect airline competition and ensure that consumers can obtain accurate and complete information on airline services. *See, e.g.*, 57 FR 43780, 43783–43787, September 22, 1992. CRSs have become essential for the marketing of airline services, and market forces do not discipline the price and quality of service offered airlines by the systems. Furthermore, the systems operating in the United States are each entirely or predominantly owned by one or more airlines or airline affiliates. Without regulations, a system's owners could use it to unreasonably prejudice the competitive position of other airlines or to provide misleading or inaccurate information to travel agents and their customers. 62 FR 59315, November 3, 1997.

When we last reexamined the CRS rules, we readopted them with changes designed to promote airline and CRS competition. 57 FR 43780, September 22, 1992. Our rules included a sunset date, December 31, 1997, to ensure that we would reexamine them after several years. 14 CFR 255.12; 57 FR at 43829–43830, September 22, 1992.

We have begun the process of reexamining our rules by publishing an advance notice of proposed rulemaking asking interested persons to comment on whether we should readopt the rules and, if so, whether changes are needed. 62 FR 47606, September 10, 1997. At the request of some parties, we gave the parties more time for submitting their comments and reply comments on the advance notice. 62 FR at 58700, October 30, 1997. We later invited interested persons to comment on a rulemaking petition filed by America West Airlines in their comments on our advance notice. 62 FR 60195, November 7, 1997.

Our Proposed Extension of the Current Rules

We obviously cannot complete the rulemaking proceeding for the reexamination of our rules by December 31, 1997, the current sunset date set forth in our rules. We therefore proposed to change the rules' sunset date to March 31, 1999. The proposed amendment would keep the current rules in force while we conducted our overall reexamination of the rules.

We reasoned that a temporary extension of the current rules would preserve the status quo while we determine whether our existing rules should be readopted. As we noted, the systems, airlines, and travel agencies have been operating with the expectation that each system will comply with the rules. They would be unduly burdened if the rules expired and were later reinstated by us, since they could have changed their method of operations in the meantime. 62 FR at 59315, November 3, 1997.

We also tentatively determined that a short-term continuation of the current rules was necessary to protect airline competition and consumers against unreasonable practices. The findings made in our last major CRS rulemaking on the need for CRS rules still appeared to be valid. Those findings indicated that the rules should be maintained to protect airline competition and consumers against the injuries that could otherwise occur.

We further found that an extension of the rules was unlikely to impose significant costs on the systems and their owners, since they had already adjusted their operations to comply with the rules and since the rules did not impose costly burdens of a continuing nature on the systems. 62 FR 59316, November 3, 1997.

Finally, we suggested that our obligation under section 1102(b) of the Federal Aviation Act, recodified as 49 U.S.C. 40105(b), to act consistently with the United States' obligations under treaties and bilateral air services agreements provided an additional ground for maintaining our current rules during our reexamination of their need and effectiveness. 62 FR 59316, November 3, 1997.

Due to the need to make the proposed amendment effective by the end of 1997, we shortened the comment period to fifteen days. As we noted, however, the advance notice of proposed rulemaking for the reexamination of the CRS rules had stated that we intended to propose an extension of the current rules. 62 FR at 59314, November 3, 1997.

Comments

America West was the only party that filed comments on our proposal to change the rules' sunset date. America West agrees with our tentative findings in the notice of proposed rulemaking that the systems have market power that requires continuing regulation and the findings made in our parity clause rulemaking and in our last major CRS rulemaking. America West further cites the complaints made by it in its recent petition for a rulemaking on CRS booking fee practices and travel agency transactions, Docket OST–97–3014, and asks that we act promptly on that petition.

Decision

We will amend the rules' sunset date as proposed by our notice of proposed rulemaking. America West supports our proposal, and no one objected to it. The analysis underlying that proposal is consistent with the findings made by us in other recent rulemakings on CRS issues, as stated in our notice and America West's comments. We will, of course, review our past findings on the need for continued CRS regulation as part of our overall reexamination of the CRS rules.

We recognize America West's interest in prompt action on its rulemaking petition, but we plan to address its petition when we review the comments and reply comments being filed in the proceeding for reexamining all of the CRS rules. We have already asked parties to include their responses to America West's petition in their comments on our advance notice of proposed rulemaking. 62 FR 60195, November 7, 1997.

Effective Date

We have determined for good cause to make this amendment effective on December 31, 1997, rather than thirty days after publication as required by the Administrative Procedure Act, 5 U.S.C. 553(d), except for good cause shown. In order to maintain the current rules in effect on a continuing basis, we must make this amendment effective by December 31, 1997. Since the amendment preserves the status quo, it will not require the systems, airlines, and travel agencies to change their operating methods. As a result, making the amendment effective less than thirty days after publication will not burden anyone.

Regulatory Process Matters

Regulatory Assessment

This rule is a nonsignificant regulatory action under section 3(f) of Executive Order 12866 and has not been reviewed by the Office of Management and Budget under that order. Executive Order 12866 requires each executive agency to prepare an assessment of costs and benefits for each significant rule under section 6(a)(3) of that order. The rule is also not significant under the

regulatory policies and procedures of the Department of Transportation, 44 FR 11034, February 26, 1979.

In our notice of proposed rulemaking we tentatively determined that maintaining the current rules should impose no significant costs on the CRSs. The systems have done the work necessary to comply with the rules' requirements on displays and functionality. Continuing to operate in compliance with the rules would not impose a substantial burden on the systems. Maintaining the rules would benefit airlines using CRSs, since otherwise they could be subjected to unreasonable terms for participation, and would benefit consumers, who otherwise might obtain incomplete or inaccurate information on airline services.

We also noted that our notice of proposed rulemaking in our last major rulemaking included a tentative regulatory impact statement whose analysis we made final in adopting the rules. In proposing to change the rules' sunset date, we stated our belief that the analysis remained applicable to that proposal and that no new regulatory impact statement therefore seemed necessary. We further stated our willingness to consider any comments on that analysis before making our proposal final.

As indicated, no one filed any comments. We will therefore base this rule on the analysis used in our last major CRS rulemaking, as discussed in our notice of proposed rulemaking. We will, of course, undertake a new regulatory assessment as part of our review of the existing rules, if we determine that rules remain necessary.

This rule does not impose unfunded mandates or requirements that will have any impact on the quality of the human environment.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The act requires agencies to review proposed regulations that may have a significant economic impact on a substantial number of small entities. For purposes of this rule, small entities include smaller U.S. and foreign airlines and smaller travel agencies.

Our notice of proposed rulemaking set forth the reasons for our proposed extension of the rules' expiration date and the objectives and legal basis for that proposed rule. We also pointed out that keeping the current rules in force would not change the existing regulation of small businesses. In addition, we presented a regulatory flexibility analysis on the impact of the rules in our last major CRS rulemaking. That analysis appeared to be valid for our proposed amendment of the rules' sunset date. We therefore adopted that analysis as our tentative regulatory flexibility statement and stated that we would consider any comments submitted on that analysis in this proceeding.

We noted that the continuation of our existing CRS rules will primarily affect two types of small entities, smaller airlines and travel agencies. To the extent that the rules enable airlines to operate more efficiently and reduce their costs, changing the sunset date of the CRS rules would also affect all small entities that purchase airline tickets, since airline fares may be somewhat lower than they would otherwise be.

We reasoned that the rules would benefit smaller airlines without a CRS ownership affiliation, by protecting them from certain potential system practices that could injure their ability to operate profitably and compete successfully. If there were no rules, the systems' airline owners could use them to prejudice the competitive position of smaller airlines. The rules protect smaller airlines, for example, by prohibiting display bias and discriminatory fees for services provided airlines. The rules also impose no significant costs on smaller airlines.

The CRS rules affect the operations of smaller travel agencies, primarily by prohibiting certain CRS practices that could unreasonably restrict the travel agencies' ability to use more than one system or to switch systems. Among other things, the rules give travel agencies the right to use third-party hardware and software and prohibit display bias.

No one filed comments on our Regulatory Flexibility Act analysis. We will adopt the analysis set forth in the notice of proposed rulemaking.

The Regulatory Flexibility Act also requires each agency to periodically review rules which have a significant economic impact upon a substantial number of small entities. 5 U.S.C. 610. Our rulemaking reexamining the need for the CRS rules and their effectiveness will constitute the required review of those rules. Our reexamination of the rules will include a Regulatory Flexibility Act analysis if we propose new CRS rules.

Our rule contains no direct reporting, record-keeping, or other compliance requirements that would affect small entities. There are no other federal rules that duplicate, overlap, or conflict with our proposed rules.

The Department certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. *et seq.*) that this regulation will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This proposal contains no collection-of-information requirements subject to the Paperwork Reduction Act, Pub. L. 96–511, 44 U.S.C. Chapter 35.

Federalism Implications

This rule will have no substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12812, we have determined that the rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

List of Subjects in 14 CFR Part 255

Air carriers, Antitrust, Consumer protection, Reporting and recordkeeping requirements, Travel agents.

Accordingly, the Department of Transportation proposes to amend 14 CFR part 255, Carrier-owned Computer Reservations Systems, as follows:

PART 255—[AMENDED]

1. The authority citation for part 255 is revised to read as follows:

Authority: 49 U.S.C. 40101, 40102, 40105, 40113, 41712.

2. Section 255.12 is revised to read as follows:

§ 255.12 Termination.

Unless extended, these rules on carrier-owned computer reservation systems shall terminate on March 31, 1999.

Issued in Washington, D.C. on December 11, 1997.

Charles A. Hunnicutt,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 97–32897 Filed 12–17–97; 8:45 am]

BILLING CODE 4910–62–P